

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

AUTO-OWNERS INSURANCE	)	
CO.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	2:06cv123-MHT
JACK J. RUSCH, et al.,	)	(WO)
	)	
Defendants.	)	

OPINION

In this lawsuit, plaintiff Auto-Owners Insurance Co. has sued defendant Jack J. Rusch,\* seeking a declaration as follows with regard to a state-court lawsuit: that Auto-Owners Insurance Co. does not owe insurance coverage to for any of the claims or damages arising from the state lawsuit; that Auto-Owners Insurance Co. has no duty to defend Rusch or pay any damages arising out of the events alleged in the state lawsuit; and that Auto-Owners Insurance Co. does not

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\* By order of this court (Doc. No. 15), defendant Barbour County Historical Preservation Authority has been dismissed from this action.

owe insurance coverage, a defense, or indemnity to Rusch for any of the claims or damages set forth in the state lawsuit.

This cause is now before the court on Auto-Owners's motion for entry of a default judgment against Rusch. The record in this case reflects that Rusch was served with a copy of the summons and complaint; that he has failed to respond to the summons and complaint within the time allowed; and that he has failed to respond to an order of this court giving him an opportunity to demonstrate why a final default judgment should not be entered against him. Accordingly, this court is of the opinion that Auto-Owners's motion for entry of a default judgment should be granted and that judgment by default should be entered against Rusch.

A judgment will be entered in accordance with this opinion.

DONE, this the 8th day of August, 2006.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE